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LB 989, 1063

the cigarette tax. It would have been possible for the Tax Commissioner to revoke a retail seller's license for other violations of cigarette tax law, for example, sales to minors. We thought that was overly broad and will alter that when we get to the committee amendment. The provision with regard to the Air and Water Pollution Control Act, the Tax Commissioner, under current law, is kind of in an anomalous position of determining whether something qualifies for sales tax credits when really it's a program where that determination ought to be made by the Department of Environmental Control. It relates to sales tax credits that an entity can receive for purchasing pollution control devices and the Tax Commissioner didn't think it was appropriate for their office to be making a determination of whether that was a qualifying purchase or not, since it relates to pollution abatement devices; that that was a determination that should be made in the Department of DEQ. Once they determine that it qualifies then the property tax administrator...property tax commissioner can well administer the tax credit portion but not the more technical side of what qualifies. And, with that, perhaps we could discuss the committee amendment.

**SPEAKER KRISTENSEN:** Senator, you are recognized to open on the committee amendment.

**SENATOR WICKERSHAM:** Mr. Speaker, members of the body, the committee amendments make two changes. One, a change that I alluded to in the opening on the main bill, we do restrict the authority of the Tax Commissioner in the regard that the Tax Commissioner could revoke a cigarette retailer's license only for violations that relate to administration of the tax, that is not paying or collecting the tax, those kinds of issues; not the more generic kind that might have to do, for example, with selling cigarettes to a minor. There are also some administrative provisions in that regard. I don't think those are...we have worked those out with persons in the retail business. The other substantive provision in the committee amendments is the incorporation of LB 1063. LB 1063 is a bill that was introduced by Senator Jensen at the request of the Attorney General's Office. It has to do with the administration of the cigarette tax and the master settlement agreement that